

EPA Region 8 Midyear Consultation Overview

Completed consultations: Between January 2017 and September 2017, fourteen (14) consultations were completed by Region 8. The aforementioned are all reflected within the TCOTS system.

Anticipated Consultations: It is anticipated, that between September 2017 and January 2018, Region 8 will be involved with 8-10 consultations.

Region 8 Success Stories in Consultation (please note that the example provided is a very exhaustive consultation that spans several years and multiple regions):

Summary of Region 8 Consultation Activities for the Proposed Dewey-Burdock Uranium In-Situ Recovery Project located in the Southern Black Hills region of South Dakota

In May 2013, the Region 8 Underground Injection Control (UIC) Program mailed consultation notification letters to the 27 Region 8 Tribes plus eight tribes in Regions 5, 6 and 7 with historical interest in the Dewey-Burdock Uranium In-Situ Recovery Project area. The Region did not receive any requests for consultation as a result of mailing these letters. From August through October 2015, Region 8 sent representatives to four regional tribal leadership meetings to provide information about the proposed project and let tribal leaders know about the upcoming consultation opportunity. In November 2015, Region 8 mailed consultation notification letters to the 27 Region 8 Tribes plus 11 tribes in Regions 5, 6 and 7 with historical interest in the area. The Region received requests for consultation meetings from the following Tribes:

- Cheyenne River Sioux Tribe
- Crow Tribe
- Gros Ventre and Assiniboine Tribes of Fort Belknap
- Ponca Tribe of Nebraska
- Oglala Sioux Tribe
- Northern Arapaho Tribe
- Santee Sioux Tribe
- Standing Rock Sioux Tribe
- Upper Sioux Community

From February through July 2016, the Region held consultation meetings with all but the Cheyenne River Sioux Tribe. The Region attempted several times to schedule a meeting with the Cheyenne River Sioux Tribe, but was not able to schedule the meeting.

During the consultation meetings, tribal leaders asked how UIC permit requirements would protect groundwater and tribal interests. The Region was not able to discuss draft permit requirements until the draft UIC permits were issued for public review. The Region 8 issued draft UIC permits on March 6, 2017 in order to begin the public review process and to be able to discuss permit requirements with interested tribes. After issuance of the draft permits, the Region has been contacted by four tribes requesting consultation: The Ponca Tribe of Nebraska (consultation meeting held August 23, 2017), The Oglala Sioux Tribe, The Cheyenne River Sioux Tribe and the Standing Rock Sioux Tribe.

The Tribes have identified groundwater and surface water protection, tribal survey of cultural properties at the site, tribal treaty rights, reserved water rights and religious freedom rights as the most important topics to discuss with the EPA during the consultation process.